

## A. Procedural Overview

The provision for the party to elect a Leader and Deputy Leader are laid out in the Constitutional Rules in Chapter One Clause VII 1A. The procedures for the election of a Leader and Deputy Leader are detailed in Chapter Four, "Elections of national officers of the party and national committees", section 4B.2 "Election of leader and deputy leader".

Clearly, in the event of a pre-planned resignation Labour would be entering new territory. For all intents and purposes the NEC would be asked to agree that:

They would commence a leadership election once the Prime Minister has announced his decision to resign from a point (approximately) six weeks in the future.

At that point it would need to be decided whether the campaign was conducted on the basis of there being a vacancy or not.

Operating on the basis of **a vacancy** (existing from day the resignation is enacted) would mean proceeding so that the selection completes on the day that the Prime Minister actually resigns. This means that nominations would need 12.5% of PLP nominations to be valid (currently 45 MPs of 354).

Operating on the basis of there being **no vacancy**, requires that nominations be sought prior to the annual session of party conference (or electoral college). In this instance any nomination must be supported by 20% (71 members) of the Commons members of the PLP. However, it will be extremely difficult to argue that there is not a vacancy if a resignation is announced. The NEC would not agree that this was the case.

NB This would be the first OMOV Ballot under a serving Prime Minister.

### **Election of Deputy Leader**

Preparations will also need to be in place should the current incumbent Deputy Leader also choose to resign at this time. It may also be the case that the Deputy Leader contest was not held concurrently with the Leadership contest.

### **Procedures Committee**

The NEC Officers would need to draw up a Procedures Committee to oversee the election process and agree the Code of Conduct for the campaign, and this would be required within days. The suggested make up of the committee to be as follows:

- General Secretary to act as Procedures Secretary,
- Chair and Vice Chair of the NEC,
- Chair of Organisation Committee,
- Chair of JPC,
- Chair of CAC.

**RECOMMENDATION:** The Party Chair remove themselves from the Procedures Committee for reasons of partiality.

### **The General Secretary**

The General Secretary would be the impartial arbitrator of any disputes or issues arising between the candidates, and would take responsibility for ensuring the contest is run in a way that balances the needs of the party with those of the needs of Labour as the party of government.

### **Nominations**

#### **(a) Vacancy**

With a nomination threshold of 12.5% for a valid nomination, an option could be for the PLP nomination process to be concluded before further nominations from Affiliated Organisations, CLPs and MEPs commence (4B.2b(iii)). This would allow supporting nominations to be cast for candidates likely to reach the threshold. This is particularly important when electing a Prime Minister. However, based on the envisaged 6 week timetable there may not be much advantage in this and it may be easier to manage if nominations are sought concurrently. The process in 1994 was for nominations from Affiliated organisations, CLP and MEPs to be taking place alongside the PLP nominations.

Nominees must inform the General Secretary of the acceptance of their nominations at least two weeks before the procedures for voting are issued.

**RECOMMENDATION:** Nominations from the PLP/EPLP be sought concurrently as supporting nominations from affiliates and CLPs due to the short timetable.

#### **(b) No vacancy**

The alternative trigger mechanism falls under Rule 4B2.d (ii) which says: When the PLP is in Government and the Leader and/or Deputy Leader are PM and/or in the Cabinet an election shall proceed only if requested by a majority of party conference on a card vote. In this instance any nomination must be supported by 20% (71 members) of the Commons members of the PLP.

There is a higher threshold of support required for this process and therefore obviously advantageous in limiting the number of candidates running in the leadership contest. However, we would need to secure the agreement of the NEC in declaring there was no vacancy. This would prove extremely difficult following an announced resignation.

**RECOMMENDATION:** That a vacancy be declared.

### **Standing for Leader & Deputy Leader**

There is nothing in the rule book that precludes candidates for standing for both Leader and Deputy Leader.

### **Candidates Agents**

Each candidate will need to appoint an agent as soon as possible and inform the General Secretary of their appointment. A meeting of candidates and/or their agents will take place every morning during the election to agree themes for debate, raise queries/concerns and to inform the office of any media and campaign events. The General Secretary, as the impartial arbitrator, will Chair this meeting and be responsible for resolving any disputes or issues arising between the candidates.

### **Recall Conference/Electoral College**

The rules of the Party (1.Clause VII 1A(b)) state that the Leader shall be elected at a party conference. This appears to have been the case in 1992, when a recall conference was arranged in the early summer and elected John Smith as Leader. However, in 1994, this was clearly dispensed with and replaced with an "Electoral College Meeting".

An Electoral College Meeting would be easier to organise and be less restrictive regarding attendance, ie the Procedures Committee could decide on the invitees. Should a recall conference be agreed the delegates from the most recent Annual Conference would need to be invited and we should, no doubt, need a substitute arrangement in place. This would be considerably more administration due to the formal nature of conference, but may be a better springboard to launch the new Prime Minister and Leader of the Labour Party, and also complies to the letter of the rules.

**RECOMMENDATION:** Unless the resignation announcement coincides with an Annual Conference, an Electoral College be called.

### **Voting**

The voting method is laid out clearly in the rules, with a third of the votes going to each of the following sections:

- MPs and MEPs;
- Individual party members;
- affiliated organisations (4B.2c(ii)).

The vote, provided there are more than two candidates, will be a transferable eliminating ballot. Voters will mark the candidates 1,2, 3 etc. Each round will be published as 100%, with votes not cast or transferred being eliminated from the calculations.

### **Affiliated Organisation**

Two national affiliates (NUM & UCATT) did not vote in 1994 as they failed to sufficiently comply with the OMOV principle and were ruled out by the Procedures Committee. It could be assumed that with technological advances, there would not be such issues this time, unless cost is the determining factor.

The requirement that all affiliates ballot all of their members is set out in 4B.2c of the rules. This means that a TU cannot cast all of its votes for one candidate but must declare an actual result with x votes for one candidate, y votes for the next candidate and so on.

Members of Affiliated Organisation were required in 1994 to sign the following pledge to be eligible to vote:

"I support the policies and principles of the Labour Party, and am not a supporter of any organisation opposed to it and pay a political subscription to the body that issued this ballot paper."

The 33.33% of the electoral college for affiliated organisations was in effect a single section OMOV ballot of all their members (though results were published showing how members of each organisation voted). Irrespective of affiliation levels, those with most eligible members had the most members to ballot.

Since 1994 some Trade Unions have significantly reduced their affiliation in relation to the number of levy paying members they have. With all levy paying members within affiliated Trade Unions having a vote, there could be significant opposition from some of the TUs that pay higher affiliation fees. For example, where a TU pays fees for 10,000 members and has 40,000 members paying the political levy, under the procedures carried out in 1994 their members votes would carry the same weight as a TU who pays fees for 100,000 members but actually has only 40,000 political levy payers.

All sections of the Electoral College must use the ballot paper forms specified by the Labour Party.

Affiliates are able to begin balloting their members as soon as all candidates are declared valid. They can therefore declare how their members voted at any point during the election.

### **Eligible Party Members**

The rules are clear (2B.2c(ii)) that party members "who are endorsed and have not lapsed from membership" are eligible to participate. To operate this we would need a Freeze Date. Members with eight weeks membership from the Freeze Date are eligible to participate (note: you are not a member until after this eight week period – see NEC procedural guidelines on membership recruitment and retention 2g). However, it will be recommended that, for the purposes of this election, the eight week rule is waived in order to enhance our opportunities for membership recruitment. This would need the agreement of

the NEC officers. Members in arrears can only participate provided they are less than six months in arrears as at the Freeze Date.

The Office will verify the membership lists and write to every CLP secretary listing their members who are paid up and therefore eligible to vote, members in arrears, the freeze date for recruitment and the hotline to contact if there are any challenges or queries.

### **Ballot arrangements**

Ballot arrangements would need to be put in place for Labour Party members, and a company contracted to take on this role. Affiliated Organisations would need to do likewise, and it may be advisable to use one independent company for the whole process (although not necessary).

### **National Executive Committee**

A special meeting of the NEC would need to be called once the Prime Minister (Deputy Prime Minister) had announced a departure date. This would follow a meeting of the NEC officers (Party Chair, NEC Chair, NEC Vice-Chair, Chair of the JPC and Chair of the Organisation Sub-Committee) who would present their recommendations to the NEC on the items set out below.

NB. Any government members of the NEC standing in either the Leader or Deputy Leader contests would need to step down, and the vacancy(s) filled.

#### **(a) Procedural guidelines and timetable**

The NEC would need to agree and issue the procedural guidelines on nominations, timetable, a code of conduct for candidates and other matters relating to the conduct of these elections, as advised by the NEC officers.

NEC Officers will be as follows:

<b>Year</b>	<b>Chair</b>	<b>Vice Chair</b>
2006 - 2007	Jeremy Beecham	Mike Griffiths
2007 - 2008	Mike Griffiths	Dianne Hayter
2008 - 2009	Dianne Hayter	Sally Powell
2009 - 2010	Sally Powell	Christine Shawcroft

The Chair of the Organisation Sub-Committee of the NEC is Mike Griffiths. The Chair of the JPC is Debbie Coulter.

#### **(b) Recall Conference or Electoral College Meeting**

NEC Officers would present their recommendation as to whether to hold a Recall Conference or Electoral College Meeting. They would also agree the invitation list to either event.

The Chair of the CAC, presently Margaret Wheeler, would be invited to attend this NEC.

(c) Membership and freeze date

A freeze date will need to be agreed. The NEC will also need to delegate the Director for Finances and Compliance to make a final rule on the eligibility of individual members. However, it will be recommended that for the purposes of this election, the eight week rule is waived to enhance our opportunities for recruitment. This would be on the recommendation of the NEC officers.

(d) Appoint balloting organisation

The NEC will need to appoint an independent organisation to conduct the individual members ballot. It is recommended that affiliated organisations undertaking balloting of their members also appoint USBS to conduct their ballots, however this is not a necessity.

*\* The NEC may be recalled at the conclusion of the contest to have the winner declared before announced at the Electoral College meeting.*

**CAC**

If a Recall Annual Conference is convened, or the election coincides with Annual Conference, the CAC would need to meet and agree with NEC officers the business of the conference.

If an Electoral College is convened, the above would not need to take place. However, it should be noted that the CAC Chair is involved from the beginning of the process and is invited to sit on the Procedures Committee.

## **Candidate spending and reporting**

### **i) Candidate spending**

As this is an internal selection there are no limits on the amount of money that can be spent on a campaign.

However, it is important that the accounts for each candidate's selection are kept properly and that there is a transparent audit trail of income and outgoings.

### **ii) Candidate returns**

Candidates in internal selections do not need to make returns. However, in order to ensure greater transparency we would ask all candidates to provide a copy of their accounts.

### **iii) Funding/Donations**

Donations to individuals who are members of a political party or holders of elective office, or members associations are covered by Schedule 7 of the PPERA 2000. Donations therefore must be declared.

Any donations that are offered or accepted for use in connection with any activities as a member of the party or in relation to any elective representative's political activities are 'controlled donations' and must be recorded and reported as such. The political activities of a member include promoting or procuring the election of any person to any position in or to any committee of the party in question.

There are no restrictions on donations to the candidate worth up to £50; Donations in cash or in kind worth over £50 can only be accepted from permissible donors (e.g. a UK registered elector, a registered UK trade union, a UK unincorporated association (Labour Group), a UK registered company. Details of all individual donations worth over £50, in cash or in kind, must be recorded and declared in the return. Notional spending is also a donation, and must be declared as such in the return.

Donations made directly to a candidate could trigger advocacy, and require declaration to the House of Commons authorities as well as having to be declared to the Electoral Commission. This must be done within 30 days of receipt of the donation.

## **Summary of Campaign**

### **End of Week One**

NEC meet (Day 3)

New Leadership Contest website launched.

New Leadership Logo launched.

Opening of E/PLP nominations (Day 4)

Opening of Supporting Nominations

Press Briefed

Stakeholders informed of timetable and procedures (First of weekly E-Bulletins)

Campaign Packs out to stakeholders. Recruitment & Fundraising plans in place.

### **End of Week Two**

Close of PLP nominations & validly nominated Candidates declared (Day 10)

Affiliates to have confirmed no of levy payers to be balloted.

Affiliates to begin balloting.

Candidates webpages up

Template for Candidate leaflets ready

First hustings

Recruitment & Fundraising conts

### **End of Week Three**

Close of Supporting nominations (Day 17)

Freeze Date for new members applications to be processed.

Nominations & Supporting nominations, Candidate Statements all to Balloting Co to begin printing of ballots.

Hustings



#### **End of Week Four**

Ballots printed & posted out to members

Hustings

#### **End of Week Five**

Balloting of members conts

Hustings

#### **End of Week Six**

Close of Affiliates Ballot *if not declared already* (Day 38)

Close of Members Ballot (Day 40)

Electoral College to announce new Leader

Launch of new corporate branding

Launch of new website

Launch of new printed materials

Commence tour of regions for rallies

Communications strategy

# Leadership Election Rules

## **Clause VII – Party officers and statutory officers**

### **1 Party officers**

#### **1A Leader and deputy leader**

(a) There shall be a leader and deputy leader of the party who shall, ex-officio, be leader and deputy leader of the PLP.

(b) The leader and deputy leader of the party shall be elected or re-elected from among Commons members of the PLP in accordance with procedural rule 4B.2, at a party conference convened in accordance with clause VI of these rules. In respect to the election of the leader and deputy leader, the standing orders of the PLP shall always automatically be brought into line with these rules.

#### **1B Chair and vice-chair**

There shall be a chair and vice-chair of the party elected by the NEC from among its own members in accordance with the provisions set out in procedural rule 4B.3.

#### **1C General Secretary**

(a) There shall be a General Secretary of the party who shall be appointed in accordance with the provisions set out in procedural rule

4B.4. The General Secretary shall act as secretary to the NEC.

(b) For the avoidance of doubt, wherever in this rule book or upon instruction or delegation by the NEC, or a committee or subcommittee thereof, the General Secretary has a function to discharge, she or he may delegate the discharge of such function to such appropriate officer or designated representative of the party as she or he shall see fit. Further, the General Secretary shall be deemed always to have had the power so to delegate.

## **4 Elections of national officers of the party and national committees**

### **4A General principles**

4A.1 Internal party elections for officer posts and the membership of national committees shall be conducted in a fair, open and transparent manner, in accordance with the constitutional rules of the party and any appropriate NEC guidelines.

### **4B Procedural rules for elections for national officers of the party**

#### **4B.1 General**

The following procedures provide a rules framework which, unless varied by the consent of the NEC, shall be followed when conducting elections for party officers. The NEC will also issue procedural guidelines on nominations, timetable, codes of conduct for candidates and other matters relating to the conduct of these elections.

## **4B.2 Election of leader and deputy leader**

4B.2a The leader and deputy leader shall be elected separately in accordance with rule 4B.2c below, unless 4B.2e applies.

### **4B.2b Nomination**

(i) In the case of a vacancy for leader or deputy leader, each nomination must be supported by 12.5 per cent of the Commons members of the PLP. Nominations not attaining this threshold shall be null and void.

(ii) Where there is no vacancy, nominations shall be sought each year prior to the annual session of party conference. In this case any nomination must be supported by 20 per cent of the Commons members of the PLP. Nominations not attaining this threshold shall be null and void.

(iii) Affiliated organisations, CLPs and Labour Members of the European Parliament may also nominate for each of the offices of leader and deputy leader. All nominees must be Commons members of the PLP.

(iv) Nominees shall inform the General Secretary in writing of the acceptance or otherwise of their nomination at least two clear weeks before the commencement of the procedures for voting laid out in 4B.2c. Unless written consent to nomination is received, nominations shall be rendered null and void.

(v) Valid nominations shall be printed in the final agenda for party conference, together with the names of the nominating organisations and Commons members of the PLP supporting the nominations. In the case of a vacancy under 4B.2e this information shall be included with the documentation circulated with any ballot.

(vi) Nominees who do not attend the relevant party conference shall be deemed to have withdrawn their nominations, unless they send to the secretary – on or before the day on which the conference opens – an explanation in writing of their absence satisfactory to the CAC.

### **4B.2c Voting**

(i) Voting in the election of leader and deputy leader shall take place so that the results are declared at an annual session of party conference; except in the case of a vacancy occurring under 4B.2(e) of this rule when the timetable for the ballot shall be as determined by the NEC.

(ii) Voting shall take place consecutively in three sections as follows:

Section 1 shall consist of Commons members of the PLP and members of the European PLP. Each such member shall be entitled to one vote in each ballot held under this section of the rules.

Section 2 shall consist of a vote of all eligible individual members of the party on the basis of one member one vote. This ballot shall take place on a national basis and shall be counted and recorded as an aggregate vote broken down by CLP. Eligible members shall be those currently on the national membership list who are endorsed and have not lapsed from membership.

Section 3 shall consist of those members of affiliated organizations who have indicated their support for the Labour Party and that they are not members or supporters of any other party or otherwise ineligible to be members of the Labour Party. Voting shall

take place under the procedures of each affiliated organisation, but on a one-person-one-vote basis recorded by affiliated organisations and aggregated for a national total. The ballot paper shall provide for the declaration of support and eligibility required under this rule if no prior declaration has been made.

4-2

(iii) The votes of each nominee in each section shall be calculated as a percentage of the total votes cast in that section and shall then be apportioned as follows:

Section 1 (members of the Commons and European PLPs) – one third

Section 2 (individual members of the Labour Party) – one third

Section 3 (members of affiliated organisations) – one third.

(iv) The votes apportioned as provided in 4B.2c(iii) above shall be totalled and the candidate receiving more than half of the votes so apportioned shall be declared elected. If no candidate reaches this total on the first ballot, further ballots shall be held on an elimination basis. The redistribution of votes shall be according to preferences indicated on the ballot paper.

(v) The votes cast for each nominee in each section shall be recorded and published in a form to be determined by the NEC as soon as possible following any election.

4B.2d Timing of an election

(i) When the PLP is in opposition in the House of Commons, the election of the leader and deputy leader shall take place at each annual session of party conference.

(ii) When the PLP is in government and the leader and/ or deputy leader are prime minister and/ or in Cabinet, an election shall proceed only if requested by a majority of party conference on a card vote.

(iii) In any other circumstances an election shall only be held when a vacancy occurs, subject to 4B.2e below.

4B.2e Procedure in a vacancy

(i) When the party is in government and the party leader is prime minister and the party leader, for whatever reason, becomes permanently unavailable, the Cabinet shall, in consultation with the NEC, appoint one of its members to serve as party leader until a ballot under these rules can be carried out.

(ii) When the party is in government and the deputy leader becomes party leader under (i) of this rule, the Cabinet may, in consultation with the NEC, appoint one of its members to serve as deputy leader until the next party conference.

The Cabinet may alternatively, in consultation with the NEC, leave the post vacant until the next party conference.

(iii) When the party is in government and the deputy leader, for whatever reason, becomes permanently unavailable, the Cabinet may, in consultation with the NEC, appoint one of its members to serve as deputy leader until the next party conference. The Cabinet may alternatively, in consultation with the NEC, leave the post vacant until the next party conference.

(iv) When the party is in opposition and the party leader, for whatever reason, becomes permanently unavailable, the deputy leader shall automatically become party leader on a pro-tem basis. The NEC shall decide whether to hold an immediate ballot

as provided under 4B.2e above or to elect a new leader at the next annual session of party conference.

(v) When the party is in opposition and the leader and deputy leader, for whatever reason, both become permanently unavailable, the NEC shall order a postal ballot as provided under 4B.2e above. In consultation with the Shadow Cabinet they may choose to appoint a member of the Shadow Cabinet to serve as party leader until the outcome of that ballot.

## CONSERVATIVE PARTY – RULES FOR THE ELECTION OF THE LEADER

### SCHEDULE 2 RULES FOR THE ELECTION OF THE LEADER

- 1 The Leader shall be elected by the Party Members and Scottish Party Members.
- 2 A Leader resigning from the Leadership of the Party is not eligible for re-nomination in the consequent Leadership election.

#### Election of Leader

- 3 Upon the initiation of an election for the Leader, it shall be the duty of the 1922 Committee to present to the Party, as soon as reasonably practicable, a choice of candidates for election as Leader. The rules for deciding the procedure by which the 1922 Committee selects candidates for submission for election shall be determined by the Executive Committee of the 1922 Committee after consultation of the Board.
- 4 If there is only one candidate at the time laid down for the close of nominations, that candidate shall be declared Leader of the Party.
- 5 Only those Party Members and Scottish Party Members who were members of the Party from the time of the call for nominations by the Chairman of the 1922 Committee for the election of the Leader and have been members for at least three months immediately prior to the close of the ballot for the election of the Leader shall be entitled to vote.
- 6 A candidate achieving more than 50% of the vote among the Party Membership shall be declared elected Leader of the Party.
- 7 In the event of there being only one valid nomination at the close of nominations prior to the first ballot being held by the Parliamentary Party for the election of the new Leader, the election of the nominee may if so ordered by the Board be ratified by a ballot of the Party Members and Scottish Party Members to be held within one month of the close of nomination.
- 8 Subject to the provisions of this Constitution, the rules for the conduct of the ballot or ballots of Party Members and Scottish Party Members shall be agreed by the Board and the Executive Committee of the 1922 Committee.
- 9 The Chairman of the 1922 Committee, acting on behalf of the Party, shall act as Returning Officer for all stages of the election.

## **LIBERAL DEMOCRATS – RULES FOR THE ELECTION OF THE LEADER**

### **ARTICLE 10: The Leader**

- 10.1 The Leader of the Party shall be elected by the members of the Party in accordance with election rules made pursuant to Article 8.4.
- 10.2 An election for the Leader shall be called upon:
- (a) the Leader asking for an election;
  - (b) the death or incapacity of the Leader;
  - (c) the Leader ceasing to be a Member of the House of Commons (other than a temporary cessation by reason of a dissolution);
  - (d) the receipt by the President of the resignation of the Leader or of a declaration of intent to resign upon the election of a new Leader;
  - (e) a vote of no confidence in the Leader being passed by a majority of all Members of the Parliamentary Party in the House of Commons;
  - (f) the receipt by the President of a requisition submitted by at least 75 Local Parties (including for this purpose, the Specified Associated Organisation or Organisations representing youth and/or students) following the decision of a quorate general meeting; or
  - (g) the first anniversary of the preceding general election being reached without an election being called under any of paragraphs (a) through (f), provided that:
    - (i) the Federal Executive may postpone such an election for no more than one year by a two-thirds majority of those present and voting; and
    - (ii) this paragraph (g) shall not apply if the Leader is a member of the Government.
- 10.3 Upon election, the Leader shall hold office until death, incapacity or resignation or the completion of an election called under this Article.
- 10.4 Upon the calling of an election, the Federal Executive shall publish a timetable for nominations, withdrawals, despatch and receipt of ballot papers and the holding of ballots and shall appoint a disinterested person or body to receive and count the ballot papers.
- 10.5 Nominations must be of a Member of the Parliamentary Party in the House of Commons, who must be proposed by at least ten percent of other members of the Parliamentary Party in the House of Commons and supported by 200 members in aggregate in not less than 20 Local Parties (including, for this purpose, the Specified Associated Organisations representing youth and students as provided by Article 13.8) and must indicate acceptance of nomination.